IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Bail Appl..No. 7228 of 2007()

CRIME NO.142/2007 OF AGALI POLICE STATION

PETITIONER/ACCUSED:

CHANDRAN, S/O.KONAN, AGED 19,
KURAVANKANDI ORU, THAVALAM, AGALI.

BY ADV. SRI.RAJESH NAMBIAR

RESPONDENT: STATE

THE STATE OF KERALA, REPRESENTED
BY SHO AGALI POLICE STATION, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7228 of 2007

Dated this the 27th day of November 2007

O R D E R

Application for regular bail. The petitioner, a nineteen year old student, faces allegations of having committed rape on another student, a girl aged about 14 years. The alleged incident took place on some day in August 2007. F.I statement is seen lodged long later on 26/10/2007. The petitioner was arrested on 27/10/2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Even though the alleged rape took place in August 2007, there is not a whisper of a complaint till 23/10/2007. Only when there arose a suspicion that the girl was pregnant, was such an allegation raised for the first time. The learned Public Prosecutor fairly submits that the case diary now shows that the victim is not pregnant. Investigation is in progress.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions. I take note of the young age of the petitioner. I do also take note of the fact that the petitioner

has remained in custody for a period of one month from 27/10/2007. Subject to appropriate conditions which shall ensure the interests of a fair, efficient and expeditious investigation, I am satisfied that regular bail can be granted to the petitioner.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays for a period of two months and thereafter as and when directed by the investigating officer in writing to do so.

iii) During the said period of two months, except for the purpose of complying with condition No.ii) above, the petitioner shall not, without the prior permission of the learned Magistrate, enter the jurisdiction of Agali police station.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007